

**REGULAR MEETING  
SHELDON TOWN BOARD  
July 15, 2020**

The Regular Meeting of the Sheldon Town Board held July 15, 2020 via Zoom teleconference was called to order by Town Supervisor Brian Becker at 7:30 p.m.

Present: Supervisor Brian Becker  
Councilmen: Mike Armbrust, Vince Kirsch,  
At 8:00 p.m. Councilmen Joe Meyer and Jim Fontaine joined the meeting.  
Recording Secretary: Town Clerk Carol Zittel  
Also present: No others present

**Minutes**

A motion was made by Vince Kirsch and seconded by Brian Becker that the minutes from the June 17, 2020 regular meeting be approved.

Ayes: (3) Becker, Armbrust, Kirsch Nays: (0) Absent: (2) Fontaine, Meyer Motion Carried.

**Communications**

The Town Clerk had no communications to report.

**Reports**

The Town Supervisor May financial report, May cash flow reports, Town Clerk reports from March – June and Town Justice reports from March - June were distributed via email prior to the meeting.

**Highway Superintendent Report**

The Highway Superintendent submitted a written report that was emailed prior to the meeting. Report below:

**HIGHWAY SUPERINTENDENT REPORT 7-15-20**

We continue to work in conjunction with other local Towns.

On 6/17/20 we paved with Genesee Falls.

6/18 cleaned shop for Caucus, Got trucks ready for milling Perry shoulders Monday

6/22 canceled by County, patched roads, mowed Rd. sides etc.

6/23 & 6/24 milled for the County on Perry Rd.

6/24 ½ day once finished helping on Perry Rd we went to Attica to help fill in culvert on Plow Rd.

6/25 continued to help with culvert on Plow rd in Attica.

6/26—7/6/20 was our 4th of July vacation shutdown.

7/6-7/7 County milling Hermitage @ Liberty

7/8-7/9 County milling East Arcade Rd.

7/13 fixed small washouts from heavy rains Sunday, Worked in shop.

7/14 worked on cross pipe on N. Sheldon North of Invenergy to shore up until we can change on Aug. 10<sup>th</sup>

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New tandem snowplow should be in Buffalo on July 24<sup>th</sup>, it should then go to Marquarts for the body and plow equipment.

Respectfully,  
Dave Ricketson  
Superintendent of Highways

**Supervisor's Report**

Supervisor Becker reported the following:

**County Spending – Coronavirus**

The County has spent over \$1.5 million on procuring PPE in response to the coronavirus pandemic. This is all unfunded expenditures. The County is in the position where cuts have to be made to departments. Councilman Kirsch asked if there is federal funding for the County. Supervisor Becker responded that it is possible. Senator Schumer was in Attica today speaking at the Attica High School regarding school relief. There is \$36 billion slated for NYS.

**Wyoming County Treasurer Report Regarding Collection and Tabulation of Sales Tax**

Supervisor Becker forwarded a report via email to board members detailing how sales tax is calculated and distributed to Counties in NYS.

**Java/Sheldon Youth Soccer**

Although the Sheldon swim program was cancelled this year due to COVID-19 the Java/Sheldon youth soccer program is continuing. There are 100 kids signed up. Sheldon will pay their portion of the soccer program at conclusion of the season.

**Byrncliff Open Swim Program**

Byrncliff reached out to Supervisor Becker and offered to host an open swim program for Sheldon families. The day of the week would be either a Wednesday or Saturday for four hours (1-5pm or 2-6pm). Cost to the Town would be \$60.00 per hour. Program would run 6-7 weeks. It would cost approximately \$2,000.00 for the Town to offer such a program. Masks would be required any time not in the pool. Pre-registration would be required and there would be a limit of 20 people.

A motion was made by Vince Kirsch and seconded by Mike Armbrust to authorize the Town Supervisor to sign a contract with Byrncliff for an open swim program for Town of Sheldon residents at the cost of \$60.00 per hour.

Ayes: (3) Becker, Armbrust, Kirsch Nays: (0) Absent: (2) Fontaine, Meyer Motion Carried.

**Court Revenue**

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Court revenue has been low. Tickets were almost non-existent in the first ten weeks of the pandemic. Tickets are now starting to come in. The Town should not be hurt too bad financially due to the slow down.

At 8:00 p.m. Councilmen Meyer and Fontaine joined the meeting.

**Acceptance of Reports**

A motion was made by Vince Kirsch and seconded by Mike Armbrust to accept all reports as presented.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.

**Old Business:**

**Re-Schedule of Sheldon Fire Department Public Hearing**

A motion was made by Jim Fontaine and seconded by Joe Meyer to re-schedule the public hearing for the Sheldon Fire Department contract to August 19, 2020 at 7:30 p.m.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.

**Schofield Deed Restriction**

No update on this matter.

**Solar Law**

**TOWN OF SHELDON RESOLUTION RELATING TO THE PROPOSED LOCAL LAW ENTITLED "REGULATING SOLAR ENERGY SYSTEMS" IN THE TOWN OF SHELDON**

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo’s Executive Orders 202.1 dated March 7, 2020 and 202.15 dated April 9, 2020, said meeting was broadcast live and the public had ample notice of when and how to access the Zoom conference; and

**WHEREAS**, the live conference of the Town Board of the Town of Sheldon is being recorded and will later be transcribed and made available for public access in addition to the meeting minutes; and

**WHEREAS**, the Town Board of the Town of Sheldon is considering a proposed local law, entitled “Regulating Solar Energy Systems”, to regulate large and small scale solar projects within the Town of Sheldon; and

**WHEREAS**, the Town of Sheldon recognizes that solar energy is a clean, readily available, and renewable energy source and that development of solar energy systems offers an energy resource that can act to attract and promote green business development, with the proper

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permitting;; and

**WHEREAS**, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sheldon declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Wyoming County Board of Supervisors
  2. Wyoming County Agricultural Land Protection Board
  3. Wyoming County Planning Board
  4. Town of Sheldon Planning Board
  5. Town of Sheldon Zoning Board of Appeals
  6. Commissioner, Department of Environmental Conservation, Albany
  7. Commissioner, Department of Environmental Conservation, Buffalo
  8. Town Board of the Town of Bennington
  9. Town Board of the Town of Java
  10. Town Board of the Town of Orangeville
  11. Town Board of the Town of Wethersfield
  12. Town Board of the Town of Attica
  13. Town Board of the Town of Holland
  14. Town Board of the Town of Wales
  15. Erie County Planner
  16. Erie County Agricultural and Farmland Protection Board
  17. Erie County Department of Environment and Planning
  - 18.
  - 19.
  - 20.
- and;

**WHEREAS**, pursuant to §§239-1 and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Wyoming County Planning Board for their review and recommendations; and

**NOW ON MOTION OF** Mike Armbrust which has been duly seconded by Joe Meyer, now therefore, be it

**RESOLVED**, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sheldon

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declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

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  11. Town Board of the Town of Wethersfield
  12. Town Board of the Town of Attica
  13. Town Board of the Town of Holland
  14. Town Board of the Town of Wales
  15. Erie County Planner
  16. Erie County Agricultural and Farmland Protection Board
  17. Erie County Department of Environment and Planning
  - 18.
  - 19.
  - 20.
- and;

**RESOLVED**, that pursuant to §§239-1 and 239-m of the General Municipal Law, said local law shall be submitted to the Wyoming County Planning Board for their review and recommendations at their next meeting on the 3<sup>rd</sup> day of August, 2020.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.

**Battery Storage Law**

**TOWN OF SHELDON RESOLUTION RELATING TO THE PROPOSED LOCAL LAW ENTITLED "REGULATING BATTERY ENERGY STORAGE SYSTEMS" IN THE TOWN OF SHELDON**

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo’s Executive Orders 202.1 dated March 7, 2020 and 202.15 dated April

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9, 2020, said meeting was broadcast live and the public had ample notice of when and how to access the Zoom conference; and

**WHEREAS**, the live conference of the Town Board of the Town of Sheldon is being recorded and will later be transcribed and made available for public access in addition to the meeting minutes; and

**WHEREAS**, the Town Board of the Town of Sheldon is considering a proposed local law, entitled “Regulating Battery Energy Storage Systems”, to regulate Tier 1 and Tier 2 Battery Energy Storage Systems within the Town of Sheldon; and

**WHEREAS**, the Town of Sheldon recognizes that battery energy storage systems are becoming an integral component to alternative energy sources; and

**WHEREAS**, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sheldon declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

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2. Wyoming County Agricultural Land Protection Board
3. Wyoming County Planning Board
4. Town of Sheldon Planning Board
5. Town of Sheldon Zoning Board of Appeals
6. Commissioner, Department of Environmental Conservation, Albany
7. Commissioner, Department of Environmental Conservation, Buffalo
8. Town Board of the Town of Bennington
9. Town Board of the Town of Java
10. Town Board of the Town of Orangeville
11. Town Board of the Town of Wethersfield
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14. Town Board of the Town of Wales
15. Erie County Planner
16. Erie County Agricultural and Farmland Protection Board
17. Erie County Department of Environment and Planning
- 18.
- 19.
- 20.

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and;

**WHEREAS**, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Wyoming County Planning Board for their review and recommendations; and

**NOW ON MOTION OF** Mike Armbrust which has been duly seconded by Joe Meyer, now therefore, be it

**RESOLVED**, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Sheldon declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Wyoming County Board of Supervisors
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  8. Town Board of the Town of Bennington
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  11. Town Board of the Town of Wethersfield
  12. Town Board of the Town of Attica
  13. Town Board of the Town of Holland
  14. Town Board of the Town of Wales
  15. Erie County Planner
  16. Erie County Agricultural and Farmland Protection Board
  17. Erie County Department of Environment and Planning
  - 18.
  - 19.
  - 20.
- and;

**RESOLVED**, that pursuant to §§239-l and 239-m of the General Municipal Law, said local law shall be submitted to the Wyoming County Planning Board for their review and

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recommendations at their next meeting on the 3<sup>rd</sup> day of August, 2020.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.

**Reminder Public Hearing – North Java Fire Extension**

Supervisor Becker reminded the Board of the July 21, 2020 public hearing at the North Java Fire Hall regarding the proposed fire extension.

**New Business:**

**Proposed Municipal Agreement – Wyoming County IT and Human Resources**

Supervisor Becker noted that a municipal agreement for IT services and possibly Human Resources will be coming from Wyoming County. When proposed agreements are received he will make them available to the Board. The proposed rate fee is \$75 per hour.

**Census Update**

Supervisor Becker noted that the Town of Sheldon is only at a 57% response rate. He encouraged everyone to spread the word about the importance of responding to the census. The Town Clerk will post a notice on the Town FaceBook page.

**County Highway Contract 2021-2022**

The Town Board recently authorized the 2021-2022 highway contract, however, the County Highway Department has requested that the Board rescind this approval. The rate of reimbursement has been the same for many years and the County would like to increase it. The Town Board was not in agreement with rescinding the previously approved contract. A motion was made by Vince Kirsch and seconded by Mike Armbrust to not rescind the approval of the previously approved County Highway contract.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.

**Bills:**

Supervisor Becker confirmed that the Board had a chance to review the abstracts.

A motion was made by Jim Fontaine and seconded by Vince Kirsch that the General Bills #131 to #147 for a Total of \$12,360.02, the Highway Bills #97 to #107 for a Total of \$15,004.15, the Trust & Agency Bills #21 to #23 for a Total of \$523.66, the Varysburg Water District Bills #30 to #33 for a Total of \$1,496.55, and the Lighting District Bills for a Total of \$754.06 be paid.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.

**Comments from the Floor**

No residents present for the meeting – no comments.

**Sale of Snow Plow**

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Councilman Kirsch asked if the Highway Superintendent has put the snow plow up for sale now that the new one should be here soon. Supervisor Becker will check with Dave Ricketson. The Town Board was in agreement that the old plow should be listed for sale.

**Adjournment**

At 8:25 p.m. a motion was made by Vince Kirsch and seconded by Mike Armbrust to adjourn the July 15, 2020 meeting of the Sheldon Town Board.

Ayes: (5) Becker, Armbrust, Kirsch, Fontaine, Meyer Nays: (0) Motion Carried.